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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazuhiro HATTORI

Group Art Unit: 1763

Application No.: 10/791,717

Examiner: A. OLSEN

Filed: March 4, 2004

Docket No.: 118884

For: METHOD FOR DRY ETCHING MAGNETIC MATERIAL, MAGNETIC MATERIAL,
AND MAGNETIC RECORDING MEDIUM

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 16, 2006 Restriction Requirement, Applicant provisionally elects Group II, claims 3-9, drawn to magnetic materials, with traverse.

The Restriction Requirement alleges that restriction between Group I, drawn to an etching method, and Group II, drawn to magnetic materials is proper according to MPEP §806.05(f) because the magnetic materials may be made by another materially different process, such as "plasma etching with a chlorine containing etchant" or "ion milling." However, Applicant submits that the magnetic materials recited in claims 3-9 cannot be made by such methods. For example, the magnetic materials of claims 3-9 exhibit structural characteristics that cannot be obtained by the Restriction Requirement's proposed materially different processes.

The magnetic materials of claims 3-9 exhibit structural features as a result of being reactive ion etched with a reactive ion gas of carbon monoxide containing an added gas of a